

RECEIVED
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Douglas McCall

Write the full name of each plaintiff.

22CV 81
(Include case number if one has been assigned)

-against-

The City of New York, Officer
Alberto Gonzalez, John Doe
Officer #1, #2, #3, #4, #5, #6,
#7

Amended
COMPLAINT

Do you want a jury trial?
☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

False Arrest, Police brutality

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, Douglas McCallum, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

Doepkes McCallum
First Name Middle Initial Last Name

600 Clark Lane Apt B
Street Address

Staten Island NY 10304
County, City State Zip Code

(347) 942 5034 dmeccallum622@gmail.com
Telephone Number Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:	Alberto	Gonzalez
	First Name	Last Name
	Lieutenant	
	Current Job Title (or other identifying information)	
	Current Work Address (or other address where defendant may be served)	
	County, City	State Zip Code

Defendant 2:	John	Doe HI
	First Name	Last Name
	Current Job Title (or other identifying information)	
	Current Work Address (or other address where defendant may be served)	
	County, City	State Zip Code

Defendant 3:	John	Doe #2
	First Name	Last Name
	Current Job Title (or other identifying information)	
	Current Work Address (or other address where defendant may be served)	
	County, City	State Zip Code

Defendant 5: City of New York

Defendant 4:

John

First Name

See #3

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence:

Bronx NY

Date(s) of occurrence:

10459 11/15/2019

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

see attached

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

I was given two stitches under my left eye. My wrists were injured by tight cuffs, and I was kicked while on the ground. Also I fell in the police transport van.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

I am seeking nothing less than the minimum of the courts.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

11/07/2022
 Dated
Douglas
 First Name
Clark
 Middle Initial
Lane
 Last Name
Apt B
 Street Address
Staten Island
 County, City
NY
 State
10304
 Zip Code
(347) 942 5034
 Telephone Number
dmccallumc22@gmail.com
 Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Douglas McCallum

vs

The City of New York, Officer
 Alberto Gonzalez, John Doe officer #1
 John Doe officer #2, John Doe officer #3
 John Doe officer #4, John Doe officer #5
 John Doe officer #6, John Doe officer #7

(1) On the day of November 15, 2019
 I was standing on Union Avenue
 Bronx NY. I was committing no
 visible crime or crime at all. So
 there would have been no probable
 cause or any reasonable suspicion
 for anyone to suspect me of
 any wrong doing

(2) I had my scooter parked
 and chained in front of 850 Union
 Avenue. As I unchained my
 scooter, two unmarked cars
 pulled up quickly. Two or three
 people hopped out of and were
 pointing in my direction. They
 did not identify themselves as police
 officers. I learned later that
 they were in fact police officers

(3) I was frightened, as I do suffer from anxiety. So I hopped on my scooter and drove away.

(4) As I was riding, I noticed a white van trailing. At this point the white van began using the siren and I realized that it was police. After clearing the block I ended up on Prospect Avenue and Westchester Avenue where I decided to surrender. I jumped off the scooter while it was still in motion so the scooter continued to roll.

(5) I stood motionless. I did not put up any fight or resistance my hands were at my sides. I had no intentions of harming anyone nor was I capable of doing so. I did not have any weapons, and I am not a violent person. I kept my hands at my side.

so the officers would not feel threatened.

(6) One officer wrestled me to the ground. The officer was short and appeared to be of Hispanic descent. I did not put up any resistance. At this point I am face down on the ground.

(7) Once I was face down on the ground, that officer began placing handcuffs on me. He cuffed my right hand then my left hand.

(8) As soon as I was cuffed, a different officer punched me in the face with his right hand. He hit me under my left eye. He appeared to be about six feet tall and of Caucasian descent. I believe that this officer is Lieutenant Alberto Gonzalez based on the City's response to the February 15, 2022 Vaughn Order.

(9) After I was cuffed at least

two officers kicked my right leg. I knew that it was at least two officers because I felt multiple kicks happen simultaneously. They kicked me about three or four times in total. The officer who punched me was not one of the officers who kicked me. I do not know the identity of these officers because they were behind while they were kicking me. I remained face down on the ground and my face was bleeding a lot. I still did not put up any resistance and remained handcuffed at this moment, and my face was bleeding.

(10) The officers then picked me up and a tall brown officer standing at around six feet tall and a Caucasian officer of the same height placed me in a white transport van. The same van that was trailing me. I was taken

- to the 40th precinct

(11) When I arrived at the precinct a chubby African American officer standing around six feet tall asked if I would like to go the hospital, because I was bleeding a lot.

(12) When the ambulance arrived at the precinct to take me to the hospital the EMT guy asked if I wanted to ride in the Ambulance. The tall Hispanic officer that put me in the transport van said no. So I was not able to receive medical care in route to the hospital.

(13) While riding in the transport van on the way to the hospital, I slid off my seat and fell on the floor on my right side. I was not buckled in. I fell because the driver was driving very fast.

I laid on the floor for about two minutes. Although I asked for help, the officers only response was "we have you on video, stop acting and get up." I had to roll over and get up on my own. While I was doing this my handcuffs tightened and were so tight they left marks on my wrists.

(14) When I arrived at the hospital, I was seen by the surgical doctor. The doctor informed me that I will need two stitches in my face to close the wound that Officer Gonzalez left when he punched me in the face while I was cuffed on the ground. I was then given a shot to numb the pain then received the two stitches necessary to close the wound.

(15) After I was done receiving the stitches. The brownskinned officer who stood at about six feet tall and the caucasian officer of about the same height, drove me in a mini-van to 149 street Grand Concourse stating that they were going to get something to eat. The brownskinned officer remained while the caucasian officer stepped out of the mini-van. At this point the brownskinned officer stated to me that I could everything go away. I took this to mean that I had some information to give, but I had none. I then asked him what are my charges. He stated to me that I was facing a bunch of felony charges.

(16) After the officer came back with their food they took me to Central Booking.

(17) I Appeared in court a few times in relation to this case.

During my appearances there were no talk of any recovery of my money or drugs in my possession. The Judge released me on a R&R.

(18) I later tried to recover video of me being wrestled to the ground, punched and kicked from a barbershop that is close to where the incident occurred. I thought that they may have caught it on their security cameras. I asked a friend of mine, Ebony Aponte to ask if they had the video. I figured she would have more success because she is fluent in Spanish like the workers in the barbershop. She told me that she was able to see the video and I didn't appear to be resisting at all.

(19) I went to the barber-shop myself to see the video. I was told that the video had been deleted.

(20) I have submitted additional evidence about this case to the CCRB. That evidence includes a copy of my medical report from the hospital, an original photo of my face from the incident, and the police report without any mugshot.

Portions of this document were prepared with assistance by the New York Legal Assistance Group's Legal Clinic for Pro Se litigants in the Southern District of New York.